

REQUEST FOR COUNCIL ACTION

SUBJECT: South Valley Sanctuary donation of Park/Pavilion use.

SUMMARY: South Valley Sanctuary Stop Violence Event Park Use

FISCAL IMPACT: Fees are broken down in the background information totaling \$70.00

STAFF RECOMMENDATION:

Staff is looking for direction from council.

MOTION RECOMMENDED:

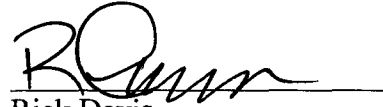
"I move to approve the waiver of fees and services for the South Valley Sanctuary Stop Violence Event on October 1, 2014."

Roll Call vote required

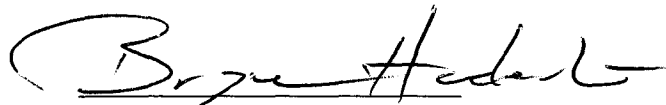
Prepared by:


Julie Brown
Events Coordinator

Recommended by:


Rick Davis
City Manager

Reviewed By:


Bryce Haderlie
Assistant City Manager

BACKGROUND DISCUSSION:

3-4-1: WAIVER OF FEES AND FINES, GENERALLY:

For purposes of this chapter, "waiving" an amount also means writing off, forgiving and/or compromising such an amount. Any fees or other monies legally required by this code to be paid to the city may not be waived, unless:

- A. City Attorney Determination: Determined by the city attorney to be legally uncollectible.
- B. City Manager Authority: Any fee, fine, interest, penalty or other money legally required by this code to be paid by a citizen, applicant or respondent to the city in connection with a city provided service or a license/permit may be waived by the city manager:
 - 1. Value For Value Settlements: If the waiver of fees or claims confers a substantially equivalent benefit on the city consistent with law, provided that any such waiver/forgiveness of an amount exceeding fifteen thousand dollars (\$15,000.00) must be approved by the city council; or
 - 2. Rectifying Errors: In an amount not to exceed five hundred dollars (\$500.00) in any one instance, to rectify an alleged error by city personnel or to rectify any other perceived inequity.
 - 3. Doubtful/Uncollectible Amounts: Once the city has made reasonable efforts to collect an unpaid fee, fine, interest, penalty or other money legally owed to the city, or has otherwise determined in good faith that the amount is practically uncollectible; provided that any amount totaling more than one thousand dollars (\$1,000.00) per account may not be waived without city council approval.

The city manager may delegate some or all of this authority to department heads and other managers in city government by administrative directive.

- C. Support Of Charitable Entities: After following the procedures required by Utah code section 10-8-2(2) or any successor provision, the city council may waive fees otherwise due to the city, and may otherwise provide financial and nonfinancial support to a charitable entity providing services to the citizens of the city.
- D. Settling Litigation And Prelitigation Claims By Or Against The City: A claim made by or against the city may be compromised, in whole or in part, without city council approval, up to an amount payable by, or to be paid to, the city of fifteen thousand dollars (\$15,000.00), if the city attorney determines that such a compromise is in the best interests of the city. Notwithstanding the foregoing, prior to settling any claim by or against the city, the mayor shall be notified of any claim over five thousand dollars (\$5,000.00), and if deemed necessary the mayor shall call a special/emergency council meeting. (2001 Code § 1-1-120; Ord. 09-19, 7-14-2009)

Pursuant to City Code Section 3-4-1, the City Council may waive fees otherwise due to the City, and may otherwise provide financial and nonfinancial support to a nonprofit entity providing services to the citizens of the City, if the City complies with section 10-8-2 of the Utah Code. Section 10-8-2 limits the charitable contribution to a nonmonetary contribution, such as fee waivers and City services. It also limits the total charitable contributions for the fiscal year to 1% of the City's budget for that fiscal year and requires a public hearing prior to approval.

The South Valley Sanctuary is a nonprofit corporation and requesting nonmonetary contributions for the "Stop Violence" event valued at \$70.



SOUTH VALLEY
SANCTUARY

Education • Safety • Empowerment

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Andrea Salazar

Bruno Siebach

City of West Jordan
Public Works Department
Attn: Julie Brown
8030 S 4000 West
West Jordan, Utah 84088

July 29, 2014

Dear Julie,

We are attempting to reserve the Veterans Memorial Park for October 1st, 2014 from 3:30-8:30 pm. We will be holding an awareness event about our domestic violence services and the West Jordan Community Resource Center which is located in the West Jordan City Hall. The West Jordan Community Resource Center provides case management and supportive services to the community of West Jordan and all of Utah.

We are requesting the fee be waived for this event since we are a nonprofit agency that helps the majority of individuals from West Jordan. Last fiscal year we helped 209 individuals in our West Jordan Community Resource Center and 65% of those individuals were residents of West Jordan.

We will not be making money off of this event as it is an opportunity to raise awareness for the city of West Jordan about domestic violence and the services available to help those in need.

Please feel free to contact me if you have any questions on what we are putting together.

Sincerely,

Jennifer Campbell
Associate Director/Development Director

Attachments:

- Application Permit
- 501 (c) 3 Form



PARK USE APPLICATION / PERMIT

City of West Jordan
Public Works Department
8030 S 4000 West
West Jordan, Utah 84088
(801) 569-5700
Fax (801) 569-5709
Parks On-Call (801) 301-1833

Applicant/Permit Holder (Organization) <u>South Valley Sanctuary</u>		Type of Business: Corporation LLC <u>Other</u> Nonprofit	
Address, City, State, Zip <u>P.O. Box 1028 West Jordan, UT, 84084</u>			
Phone <u>801.255.1095 ext. 207</u>		E-mail <u>jenc@southvalley-sanctuary.co</u>	
Check all that apply		Check all that apply	
Veterans Memorial Park, 1985 W. 7800 South		<input checked="" type="checkbox"/> Large Pavilion (near large playground) Groups under 200 people \$70 \$140* <input type="checkbox"/> Large Pavilion (near large playground) Groups over 200 people** \$150 \$300* <input type="checkbox"/> Small Pavilion (near 2200 West) Groups under 200 people \$50 \$100* <input type="checkbox"/> Small Pavilion (near 2200 West) Groups over 200 people** \$100 \$200*	
Constitution Park, 7000 S. 3200 West		<input type="checkbox"/> South Pavilion (near playground) Groups under 200 people \$50 \$125* <input type="checkbox"/> South Pavilion (near playground) Groups over 200 people** \$50 \$125* <input type="checkbox"/> North Pavilion (near tennis court) Groups under 200 people \$50 \$125* <input type="checkbox"/> North Pavilion (near tennis court) Groups over 200 people** \$50 \$125*	
**Groups Over 200 People		Resident: Setup/Cleanup deposit \$500 Non Resident: Setup/Cleanup \$150 minimum plus a \$500 deposit	
Sport Field Rental <u>not</u> League Play		\$50 per field / half day	
Reservation Date <u>9/30/2014</u> <u>10/1/14</u>		<input type="checkbox"/> 9:00 a.m.—2:00 p.m. (Fee is for one time frame only) <input checked="" type="checkbox"/> 3:30 p.m.—8:30 p.m. (Fee is for one time frame only)	
Estimated Attendance <u>199</u>		** Extra fees apply for groups over 200—see above	
Will BBQ's or grills be used on-site? (please explain) <u>No</u>			
Please print how reservation board should read <u>South Valley Sanctuary "Stop Violence" Event</u>			
Park Use Policy Reminders: <ul style="list-style-type: none"> • Water availability is limited and must be prearranged with Public Works • Table coverings and additional trash bags are recommended • Vehicles ARE NOT allowed on sidewalks or grass AT ANY TIME—NO EXCEPTIONS! Violators will be fined • Inflatable toys, rides or games are NOT allowed in city parks without an additional special event permit 			

"By my signature below, I certify that I am authorized to sign as an agent of the Applicant / Permit Holder, which Applicant / Permit Holder shall be bound by the terms of this Permit. I further certify that I have read and accept the Permit Terms and Conditions and the West Jordan Facility Use Policy, and the Applicant / Permit Holder hereby agrees to comply with the same and all applicable federal, state and local laws, ordinances, rules and regulations. Applicant / Permit Holder further agrees to pay all required fees, deposits, and costs, including but not limited to, the actual cost of Additional City Services as defined in the West Jordan Facility Use Policy. This Permit is only valid for the purposes expressly set forth herein and is not valid until executed by the City of West Jordan."

Signature: <u>[Signature]</u>	Print Name: <u>Jennifer Campbell</u>	Date: <u>7/28/2014</u>
Parks Signature:	Receipt #	Date:

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
1100 COMMERCE STREET
DALLAS, TX 75242-0000

DEPARTMENT OF THE TREASURY

Date: ~~SEP~~ 26 1995

SOUTH VALLEY SANCTUARY, INC.
C/O PAULA J. HOUSTON
P. O. BOX 1028
WEST JORDAN, UT 84084

Employer Identification Number:
87-0543219
Case Number:
755222016
Contact Person:
ANNETTE SMITH
Contact Telephone Number:
(214) 767-6023
Accounting Period Ending:
December 31
Form 990 Required:
yes
Addendum Applies:
yes

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

We have further determined that you are not a private foundation within the meaning of section 509(a) of the Code, because you are an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status and foundation status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Since you are not a private foundation, you are not subject to the excise taxes under Chapter 42 of the Code. However, you are not automatically exempt from other Federal excise taxes. If you have any questions about excise, employment, or other Federal taxes, please let us know.

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

Donors may deduct contributions to you as provided in section 170 of the

Letter 947 (DO/CG)

SOUTH VALLEY SANCTUARY, INC.

Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of Code sections 2055, 2106, and 2522.

Contribution deductions are allowable to donors only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. See Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, which sets forth guidelines regarding the deductibility, as charitable contributions, of payments made by taxpayers for admission to or other participation in fundraising activities for charity.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

You are not required to file Federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, a number will be assigned to you and you will be advised of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

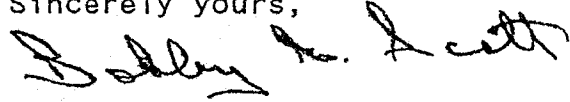
If we have indicated in the heading of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Because this letter could help resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

SOUTH VALLEY SANCTUARY, INC.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Bobby E. Scott".

Bobby E. Scott
District Director

Addendum

SOUTH VALLEY SANCTUARY, INC.

Pursuant to Revenue Procedure 92-85, you have been granted an extension of the 15-month filing period fixed by section 1.501-1(a)(2) of the Income Tax Regulations. Accordingly, your exemption is effective January 27, 1994.

In this letter, we have not determined the effect on your tax-exempt status of financing your activities with the proceeds of tax-exempt bonds since you have not indicated that you intend to use such methods now or in the future.